

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 19 OF 2001

Shri Anil J. Kale ... Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

None for the petitioner.

Ms. Geeta Shastri, AGP for respondent No. 1.

Mr. V.P. Sawant for respondent No. 4.

**CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.**

DATED : 13th December, 2006

P.C.

None present for the petitioner. From the record, it appears that respondent No.4 had submitted an application for voluntary retirement on 15.12.1994. At that time respondent No. 4 had completed only four years service with respondent No.2. Respondent No. 4 on 21st December, 1994 had submitted an application to respondent No.2 allowing him to withdraw his application for voluntary retirement. In spite of that on 29th December, 1994, respondent No.4 was communicated that his application for voluntary retirement has been accepted with effect from 31st December, 1994. Remaining employees were relieved at the end of April, 1995. It appears that thereafter respondent No. 4 made representation that he was coerced into giving application for voluntary

retirement at the instance of the then Chairman one Shri Yadavrao Boyar. The matter was examined by the respondents and after consulting various departments order dated 21st June, 2000 was issued reinstating respondent No.4. This order is the subject matter of the present petition.

2. When the matter is called out, none present for the petitioner. The petition dismissed for non-prosecution. Rule discharged. There shall be no order as to costs.

3. The counsel appearing for respondent No.4 points out that during pendency of the petition, respondent No. 4 has superannuated.

[F.I. REBELLO, J.]

[ANOO V. MOHTA, J.]